

REGULAR MEETING
August 19, 2013

A regular meeting of the Town Board of the Town of Busti was held on August 19, 2013 at 6:45 p.m., at the Town Administration Building, 121 Chautauqua Avenue, Lakewood, New York with the following members present:

Supervisor Jesse M. Robbins
Councilman Todd M. Hanson
Councilman Brett A. Muccheck
Councilman Richard B. Thor
Councilman Kenneth J. Lawton - absent

Supervisor Robbins called the meeting to order with the salute to the flag and a moment of silence was observed.

Present at the meeting were: Lorie Robbins, Warren VanDewark, Robert & Judy Schultz, Rebecca Anderson, Angelo & Diane Terrano, Deputy Town Clerk Darlene H. Nygren, Highway Superintendent Melvin J. Peterson, Busti-Lakewood Recreation Director Diana Peterson, Lakewood-Busti Chief John Bentley and Attorney Joel H. Seachrist.

Rebecca Anderson thanked the board for all their help in the purchase of her property on Second Avenue in Cottage Park (384-12, Block 4 and Lots 18, 20, 21, 30, 31 & 32 from the town. She has removed the house, garage, graded and seeded the lots and now the grass is growing.

Robert & Judy Schultz appeared before the board requesting that certain roads be closed to traffic for the Busti Apple Festival on September 29, 2013.

Supervisor Robbins offered the following motion which was duly seconded by Councilman Hanson:

RESOLVED, that the town authorize Highway Superintendent Melvin J. Peterson and Police Chief John Bentley to make whatever steps are necessary to secure proper traffic flow and safe passage for anyone attending the Busti Apple Festival;

BE IT FURTHER RESOLVED, that Mill Road from the five corners of Busti to the bridge and then along Lawson Road to Busti Sugar Grove road be closed for the Busti Historical Apple Festival to be held on September 29, 2013 from 10:00 a.m. to 5:00 p.m.

All aye.

Lakewood-Busti Chief John Bentley reported 6500+ incidents to date.

Highway Superintendent Melvin J. Peterson reported on highway activities.

Supervisor Robbins offered the following motion which was duly seconded by Councilman Muccheck:

RESOLVED, that the following Bond Anticipation Note in the amount of \$170,170 South Main (\$125,170) and Huntington Woods District No. 2 (\$45,000) be renewed retroactive July 22, 2013.

BOND ANTICIPATION NOTE CERTIFICATE DATED JULY 22, 2013.

CERTIFICATE OF THE SUPERVISOR OF THE TOWN OF BUSTI, CHAUTAUQUA COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF A \$170,170 BOND ANTICIPATION NOTE OF SAID TOWN TO PAY THE COST OF (A) A WATER DISTRIBUTION SYSTEM TO SERVE THE TOWN OF BUSTI ERNEST LEVIN WATER DISTRICT NO. 5 AND THE TOWN OF BUSTI HELEN P. ANDREWS WATER DISTRICT NO. 7 IN SAID TOWN, and (B) A RETENTION POND AND APPURTENANT FACILITIES FOR THE HUNTINGTON WOODS DRAINAGE DISTRICT IN SAID TOWN.

I, the undersigned Supervisor of the Town of BUSTI, Chautauqua County, New York (the "Town"), DO HEREBY CERTIFY:

1. Pursuant to (a) a bond resolution dated June 18, 2007, duly adopted by the Town Board of said Town on said date, authorizing the issuance of \$202,650 bonds of said Town to pay the cost of the construction of water improvements, including mains, land or rights-in-land, and other incidental costs in connection therewith to serve the Ernest Levin Water District No. 5 and Helen P. Andrews Water District No. 7 in said Town (period of probable usefulness, 40 years) which is not an assessable improvement, and (b) a bond resolution dated November 8, 2006, duly adopted by the Town Board of said Town on said date, authorizing the issuance of \$100,000 bonds of said Town to pay the cost of the construction of a retention pond and appurtenant facilities, including incidental improvements and expenses in connection therewith, for Huntington Woods Drainage District in said Town (period of probable usefulness, 30 years) which is not an assessable improvement, both delegating to me, as chief fiscal officer, power to authorize the issuance of and to sell bond anticipation notes of said Town in anticipation of the issuance and sale of said bonds, including renewals thereof, which power is in full force and effect and has not been modified, amended or revoked, I HEREBY AUTHORIZE the issuance of a bond anticipation note of said Town in the principal combined amount of \$170,170 in anticipation of the sale of said bonds. Said note shall be dated July 22, 2013, shall be numbered 5, shall be of the denomination of \$170,170, shall bear interest at the rate of three and twelve hundredths per centum (3.12%) per annum, payable at maturity, shall mature on July 21, 2014, and both principal of and interest on said note shall be payable in lawful money of the United States of America at Manufacturers and Traders Trust Company, in Jamestown, New York.

2. The objects or purposes for which said note is hereby authorized to be issued is to pay the cost of the projects set forth in the schedule below:

\$125,170 to pay the cost of the construction of water improvements, including mains, land or rights-in-land, and other incidental costs in connection therewith to serve the Ernest Levin Water District No. 5 and Helen P. Andrews Water District No. 7 in said Town (period of probable usefulness, 40 years). The amount of serial bonds authorized to be issued therefore is \$202,650. Such \$125,170 is issued for the purpose of renewing the outstanding \$125,170 portion of the aforesaid \$202,650 note.

\$45,000 to pay the cost of the construction of a retention pond and appurtenant facilities, including incidental improvements and expenses in connection therewith, for Huntington Woods Drainage District in said Town (period of probable usefulness, 30 years). The amount of serial bonds authorized to be issued therefore is \$100,000. Such \$45,000 is issued for the purpose of renewing the outstanding \$45,000.

3. Such note shall be executed in the name of said Town of Busti, Chautauqua County, New York, by its Supervisor, sealed with its corporate seal, and the same shall be in substantially the form attached hereto. Such note is hereby sold at private sale to Manufacturers and Traders Trust Company, in Jamestown, New York, at a price of not less than par and accrued interest, if any. To the best of my knowledge and belief, no officer or employee of said Town has an interest in the sale of said note prohibited by Article 18 of the General Municipal Law, as amended.

Upon roll call vote, all aye.

Supervisor Robbins noted the Deer Management Program (DMAP) for landowners and land managers to improve deer management on the lands they own or control for 2013.

Supervisor Robbins moved the following motion seconded by Councilman Muecheck:

RESOLVED, that Town Clerk Diane VanDewark apply for fifty (50) DMAP permits to be given out to land owners with proof of ownership beginning on the south side of Hunt Road, from east of Big Tree Road to west of Southwestern Drive, to the north side of Cowing Road, from east of Wellman Road to west of Trask Road, which will include the south side of Baker Street, from the Wellman Road to Big Tree Road as well as from Trask Road to Southwestern Drive.

Upon roll call vote, all aye.

Supervisor Robbins moved the following Shared Highway Services - C & D Waste Addendum which was duly seconded by Councilman Muckeck:

The Shared Highway Services contract of Chautauqua County municipalities that is in effect as of July 1, 2013, is hereby amended to include the following provisions that will be applicable amongst and between those municipalities that have approved and executed this addendum.

1. Credits for Tipping Fees for C&D Waste. Commencing with calendar year 2013, each participating town and village in the Shared Highway Services C&D Addendum shall receive an annual credit for tipping fees of eighty (80) tons of C&D waste at the County Landfill, including asbestos containing materials (ACM), which approximates the disposal tonnage for one (1) two-family home. If choosing to participate in this addendum arrangement the cities of Jamestown and Dunkirk shall annually receive four (4) credits and two (2) credits, respectively. The credit will not be available for C&D waste generated from structures that were previously owned and utilized for municipal purposes by the participating town, village, or city.

2. Use of Credits. In order to obtain optimal use of the credits and minimize impact of the County landfill's operations, each municipality shall be allowed to save its credits for a period of three (3) years, and may "loan" its credit(s) to another municipality for a current project in exchange for future credits of equal value. It will also be permissible for a municipality to exchange its credit for shared services assistance from another municipality under the Shared Highway Services agreement, but the credits cannot be "sold" for cash to another municipality.

3. Notice to County Landfill. Participating municipalities shall be required to make a "reservation" for disposal of demolition material utilizing their credit(s) and/or acquired credit(s), and shall advise Landfill staff of the year and source of their credit(s) to be utilized. The County should be notified at least two (2) weeks in advance of the desired date for disposal, and a longer period of notice should be planned where multiple credits are combined for one disposal event. Participating municipalities shall follow the protocol steps attached hereto as Appendix A to arrange each disposal event.

4. Other. Except as modified herein, all terms and conditions of the existing Shared Highway Services agreement shall remain in full force and effect. This addendum shall become effective upon the execution, and copies of this addendum shall be filed with the Chautauqua County Department of Law. No shared services or other activities pursuant to this addendum shall be conducted until the municipality has sent a copy thereof to the Chautauqua County Department of Law.

IN WITNESS THEEOF, the said Town of Busti has by order of the Town Board caused these presents to be subscribed by the Chief Executive Officer, and the seal of the Town of Busti to be affixed and attested by the Clerk thereof, this 19th day of August, 2013.

BY: Jesse M. Robbins,
Town Supervisor
All aye.

Supervisor Robbins moved the following motion which was duly seconded by Councilman Hanson:
RESOLVED, that the town loan 24 tons/credits to the Village of Lakewood under the Shared Highway Services – C&D Waste Addendum adopted August 19, 2013.
Upon roll call vote, all aye.

Supervisor Robbins moved the following motion which was duly seconded by Councilman Thor:
RESOLVED, that Deputy Town Clerk Darlene Nygren be authorized to attend the notary training on September 17, 2013 at Southern Tier West in Salamanca, New York from 3:00 to 6:00 p.m. at a cost of \$60.
Upon roll call vote, all aye.

Supervisor Robbins moved the following motion which was duly seconded by Councilman Hanson:

RESOLVED, that Assessor Randall G. Holcomb be authorized to attend the Annual Meeting and Seminar on Assessment Administration in Lake Placid, New York, from September 30th – October 4th, 2013. The cost will be approximately \$1,000 plus mileage, however this is reimbursed to the town by the State of New York Office of Real Property Services because this is mandatory continuing education credits for Assessor.

Upon roll call vote, all aye.

Supervisor Robbins noted the following reports & correspondence:

Building Report for July

Supervisor's Report for July

Town Clerk's Report for July

Update to Small Urban Area Boundaries Newfane Small Urban Area.

New York State Department of Taxation & Finance re: Equalization Rate 100.00%.

Time Warner Cable Franchise renewal date 5/14/16.

Supervisor Robbins made the following motion which was duly seconded by Councilman Hanson:

RESOLVED, that Supervisor Robbins be authorized and directed to pay the presented General Fund, Highway Fund, and the Joint Recreation Fund for Abstract No. 16 from warrant #578 to and including warrant #609 in the amount of \$142,417.71.

Upon roll call vote, all aye.

Upon motion duly made by Supervisor Robbins the meeting adjourned at 7:15 p.m.

All aye.

Diane M. VanDewark, Town Clerk